IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO. 186 OF 1999

Shri Justiniano Conceicao Rego,
major, retired Government servant,
resident of House No.345,
Kalconde, Margao, Goa. ... Petitioner.

versus

1. The State of Goa,
through the Chief Secretary
with his Office at Secretariat,
Panaji, Goa.

2. Mr. Ramchand R. Shanke(since
deceased) through his legal
heirs:

2a. Smt. Savitri Ramchandra
Shanke, major, widow;

b. Shri Jagannath Ramchandra
Shanke, major, son;

c. Mrs. Geeta Jagannath Shanke,
major, daughter-in-law;

d. Shri Sunil Ramchandra Shanke,
major, son;

e. Mrs. Sunil Ramchandra Shanke,
major, daughter-in-law;

f. Shri Ratnakar Ramchandra
Shanke, major, son;

g. Mrs. Ratnakar Ramchandra
Shanke, major, daughter-in-law;

h. Shri Prakash Ramchandra Shanke,
major, son;

i. Miss Pramila Ramchandra Shanke,
major, daughter;

j. Miss Meena Ramchandra Shanke,
major, daughter;

k. Miss Narmada Ramchandra Shanke,
major, daughter.

All c/o Shop No.40, New Market,
Margao, Goa. ... Respondents.

Mr. S. D. Lotlikar, Senior Advocate with Mr. A. D. Bhobe, Advocate for the Petitioner.

Mr. A. N. S. Nadkarni, Advocate General with Mr. P. A. Kamat, Additional Government Advocate for the State.

Mr. S. G. Bhobe, Advocate for Respondent No.2 absent.

CORAM: F. I. REBELLO &
P. V. HARDAS, JJ.

DATED: 17TH JUNE, 2003.

ORAL JUDGMENT(PER F.I.REBELLO,J.)

By the present Petition, the Petitioner has challenged the constitutional validity of the proviso to Section 12 of the Goa Buildings(Lease, Rent & Eviction) Control Act, 1968. During the pendency of the Petition, by the Amendment Act known as the Goa Buildings(Lease, Rent and Eviction) Control(Amendment) Bill, 2003 the part of the proviso which was challenged has been omitted.

In view of that, nothing further survives in the matter as the Petition has become infructuous.

Petition is disposed as infructuous.

Rule discharged. There shall be no order as to costs.

F. I. REBELLO, J.

P. V. HARDAS, J.

RD.